

APPENDIX 4

1 and the staff for their handling of these very complex, competitive dockets. There have been
2 hundreds of staff hours that have gone into these issues. In some instances, for example,
3 operating systems. The Commission has first-hand knowledge that is different from the ALJ's;
4 however, there are a number of suggestions in the ALJ's reports that have a good deal of merit
5 and which I believe should be dealt with by this Commission. Thank you.

6 CHAIRMAN OWEN: All right. Commissioner Field.

7 COMMISSIONER FIELD: Thank you, Chairman Owen. I too am very much aware of the
8 consumer's interest in this matter, and I just want to remind the Commission that the local
9 telephone exchange business approximates \$900 million a year in this state and that is a concern
10 too as well as the long distance where we do have competition now. I have a motion that I'd like
11 to make which I think procedurally sets the groundwork for the FCC to eventually approve
12 BellSouth going into in region long distance service. I think it showed due deliberations on the
13 part of this Commission. I think it's a motion that BellSouth apparently accommodated in a
14 similar matter the Georgia Commission and, without further ado -- and I will say this, if this
15 motion was granted and the SGAT was approved at our October 22 meeting and BellSouth filed
16 on November 1st and the FCC approved, they could be offering long distance service
17 approximately April 1st, 1998. My motion is that pursuant to Section 252(f) of the
18 Telecommunications Act of 1996 I move that BellSouth grant the Commission an additional 60
19 days or until the regularly scheduled October 22, 1997 Open Session, whichever is later, in which
20 to approve, reject or allow BellSouth's SGAT to become effective. This would allow the cost
21 studies to be completed by this Commission so that it will not be a piece meal situation.
22 Secondly, given the FCC's recent order in AmeriTec 271 filing, an order which purports to
23 provide the RBOC's and the state commissions with a road map as to the showings RBOC's must
24 make in order to obtain interLATA relief. This extension will allow us to analyze fully the
25 implications of the AmeriTec decision for BellSouth's SGAT. For example, the FCC in
26 paragraph 49 and 50 of the AmeriTec decision unequivocally state that it expects RBOC's to
27 submit complete 271 application. The FCC has asserted that it found it necessary once again to

1 emphasize the requirement that a Bell operating company section 271 application must be
2 complete on the day that it is filed. The implication for Louisiana is clear. Our cost dockets will
3 not be completed until October. In order to have a complete record, BellSouth cannot file or
4 perhaps should not file -- I guess they can file when they want -- its application at the FCC until
5 those dockets are concluded. Therefore, there appears to be no reason for BellSouth to oppose
6 the Commission's request for an extension so that the Commission can vote on a complete record
7 in October. Secondly, the 8th Circuit ruling in Iowa Utilities Board versus FCC creates a conflict
8 between the Commission's rules and the FCC, specifically the 8th Circuit ruling on the
9 recombination of unbundled network elements and its ruling on the pricing of vertical services
10 require that the Commission, in order to bring the local competition rules into compliance with
11 the Court, amend its rules; therefore, we order the staff to prepare amendments that would bring
12 the local competition rules into compliance with the latest judicial expression. These proposed
13 amendments will be published in the Bulletin and comments by the intervenors will be accepted.
14 This procedure shall be completed by the Commission's regularly scheduled September meeting --
15 October 1st, I believe, is when it's scheduled -- so that BellSouth has sufficient time to amend its
16 SGAT to reflect changes in the local competition rules for the regularly scheduled October
17 meeting on the 22nd of that month. Finally, this Commission is encouraged by the development
18 of BellSouth's operational support systems. Having said that, we also recognize the critical
19 importance of OSS to the development of local competition. Given an additional 60 days, we
20 believe that BellSouth can further improve its OSS particularly in the area of capacity, LENS'
21 inability to reserve more than six lines, the joint ordering capacity of LENS and EDI exceeding
22 BellSouth's capacity to generate orders and the minimum capacity of BellSouth's repair and
23 maintenance interface known as TAFI. Therefore, we order that on September 5th and October
24 3rd, BellSouth submit to the Commission any and all changes it has made to its operational
25 support system. Intervenors will have seven days to respond in writing. This, again, makes for a
26 more complete record, allows BellSouth and the intervenors to make whatever input they want as
27 the OSS continues to evolve and develop, as it must, as it's a changing business. Again, if the

APPENDIX 5

GORDON, ARATA, MCCOLLAM & DUPLANTIS, L.L.P.

ATTORNEYS AT LAW

1420 ONE AMERICAN PLACE
BATON ROUGE, LOUISIANA 70825

504-381-9643

TELEFAX 504-336-9763

JOHN A. GORDON
BLAKE G. ARATA
JOHN W. MCCOLLAM
B. J. DUPLANTIS
EWELLE CAGAN JR.
BENJAMIN B. BLANCHET
JOE E. WALL
CYNTHIA A. NICHOLSON
CATHY E. CHESIN
WILLIAM F. OZURILLA
WILLIAM F. BAILEY
JAMES E. SUATTEN
SAMUEL E. MASUR
PAUL E. BULLINGTON
STEVEN W. COBLEY
JAMES L. WEISS
JASON A. T. LUMMONVILLE

A PROFESSIONAL LAW CORPORATION

NEW ORLEANS 10 TO 4000
201 ST. CHARLES AVENUE
40TH FLOOR
504-582-1121
TELEFAX 504-582-1121

LA METTE 12598-029
P.O. BOX 8-049
629 EAST PALM ST. SALON POA
1-8-237-0122
TELEFAX 3-8-237-3491

VKM		YARIS GORDON WEINSTOCK
RWT		ERNEST E. SVENSON
WTA		MARK E. LINDEN
TMT		A. GREGORY GRIMSAL
LBP		CORNE PHILLIPS CURRALL
		SCOTT A. O'CONNOR
		DEE C. HAYNE JR.
SPC		DENIS C. SWORDS
JFP		ELIZABETH GORDON
SECS		MARCO MASSENGALE
LC		HEATHER WEST NESHORA
		THA CRAWFORD SANTOPALCE
		WILLIAM SHARRO
		SPENCER DUPLANTIS
		G. KARL BERNARD
		JINGER JOHNSON

August 19, 1997

Ref. 2744-19002

VIA FACSIMILE AND U. S. MAIL

Commissioner Don Owen
800 Spring Street
Suite 110
Shreveport, LA 71101

Commissioner Jack "Jay" A. Blossman, Jr.
645 Lotus Drive, North
Suite A
Mandeville, LA 70471

Commissioner Irma Dixon
4100 Touro Street
Suite 210
New Orleans, LA 70122

Commissioner C. Dale Sittig
300 Bobcat Drive
Eunice, LA 70535

Commissioner James Field
One American Place, Suite 1510
Baton Rouge, LA 70825

RECEIVED

AUG 20 1997

LEGAL DEPT.
N.O. LA.

Re: U-22252--Louisiana Public Service Commission, Ex Parte, In Re:
Consideration and Review of BellSouth Telecommunications, Inc.'s
Preapplication Compliance with Section 271 of the Telecommunications
Act of 1996, including but not limited to the Fourteen Requirements set
forth in Section 271(C)(2)(B) in Order to Verify Compliance with
Section 271 and Provide a Recommendation to the Federal
Communications Commission regarding BellSouth Telecommunications,
Inc.'s Application to Provide interLATA services originating in-region.

Dear Commissioners:

Cox's motivation in this case through which BellSouth hopes to enter long
distance is to ensure that BellSouth has the procedures and elements in place that will allow

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Cox to interconnect with its network, place orders for unbundled elements, and accomplish other network functions (e.g., 911, directories, 557) through a reliable system that allows volume ordering and accountability. Cox's concerns are therefore inspired not by a desire to keep BellSouth from taking long distance market share, but to ensure that BellSouth offers the prerequisites to competition before that exclusive and powerful incentive is removed. Because these prerequisites are not firmly in place, that incentive is still needed.

On August 13, 1997 by Order of the Louisiana Public Service Commission ("LPSC" or "Commission"), a Technical Presentation/Hearing in the above referenced docket was held before the Commission. At the morning of the event, it was announced that the entire presentation would be included on the record in the matter. Cox Louisiana Fibernet, Inc. ("Cox"), an intervenor in the docket, was not allowed to make a presentation or follow up with respect to many of its questions of BellSouth submitted August 4, 1997. At the invitation of a Commissioner after the adjournment of the presentation, Cox submits this correspondence to assist the Commission in determining whether BellSouth's responses and/or technical presentation adequately addressed the concerns raised by Cox.

Specifically, pursuant to the Commission's Order of July 28, 1997, Cox submitted several questions prompted by OSS complications it has experienced with other Regional Bell Operating Companies. A number of these questioned concerned 911 databases.

It is absolutely critical that 911 emergency reporting system information be updated timely, with respect to all local exchange carriers. Cox has had problems with other RBOCs in updating 911 databases in a timely manner. In an emergency situation, the larger the gap between the need for a 911 update and entry into the system, the greater the threat to CLEC customers in emergency situations.

In an effort to determine if there are problems in the way CLECs place and update their customer's 911 information in BellSouth's 911 database, Cox asked the following questions:

How does a CLEC put new customer entries into BellSouth's 911 database?

What are the time frame commitments for CLEC entries into BellSouth's 911 database?

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Does this time commitment vary with the number of entries per order?

What constitutes an order?

How are multiple orders in the same day treated with respect to time frames for entry into the BellSouth 911 database?

Is each order given a separate time commitment or are all orders within a certain time frame treated as one order?

What kind of confirmation does the CLEC receive from BellSouth that the 911 entry has been received and put into BellSouth's database? On August 13, 1997, please demonstrate the confirmation process.

Is the time commitment for filing an order for one CLEC in one state affected by the actions of any other CLECs in the same state or in other states? What factors influence this time commitment?

What are BellSouth's internal commitments/standards for entry of its customers into the 911 database? What kind of internal confirmation process does BellSouth use to ensure that orders are entered correctly? Does a process such as this exist with CLEC entries? If not, why not? On August 13, 1997 please demonstrate the 911 entry and confirmation process as it applies to BellSouth.

Although these questions were timely filed, BellSouth's answers were not in all cases responsive, and were not addressed at the technical demonstration held on August 13th. In response, BellSouth stated that "CLECs will submit daily updates to the E911 database via mechanized file transfer." Additionally, BellSouth stated, "*When* mechanized file transfer is established for a CLEC, they are given a 'window' of time in which to transmit all records (regardless of the state) for the day in one or more files. . . . Any file(s) received before 6:00 p.m., EST will be processed in the database and the database updated that evening." These responses by BellSouth are unclear.

First, it appears from the response--"when mechanized transfer is established"--

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that mechanized file transfer of 911 information has not yet been established for CLECs. And, BellSouth did not demonstrate on August 13th how such a transfer would be accomplished in order to update a customer's 911 reporting information.

Second, BellSouth did not explain what it meant by a "window" of time for CLECs to transfer customer 911 information. Does "window" mean that CLECs have a limited time every day to transfer 911 information? How is the duration of the "window" determined? Will every CLEC be given the same amount of time for their respective "windows"? Will the "windows" of time for 911 updating be affected by how many CLECs operate in the BellSouth multi-state region? Will BellSouth subject itself to the identical "window of time" limitations with respect to transferring information to the 911 database? How will BellSouth self-determine what its window of time will be? Apparently, if a CLEC misses its "window" its customer's 911 information will not be updated that day, but instead will be delayed until the evening of the next day. Thus, if an emergency occurs in the "gap" of time between one "window" and another, updated 911 emergency reporting information for CLEC customers will simply not be available to 911 operators during an emergency that occurs therein. And, unfortunately, a person's ability to recall critical information--home address-- is at its worst when he or she has just moved to a new home and obtained a new address, necessitating the update in the first place.

Additionally, in order for the CLEC to assure itself that its customers have maximum 911 protection, it must receive immediate confirmation that the 911 information has been successfully entered into the system. In response to Cox's question, "'What kind of confirmation does the CLEC receive from BellSouth that the 911 entry has been received and put into BellSouth's database,'" BellSouth did not clearly state how successful entry into the database is confirmed. It stated, "If no errors are detected, a positive response will be sent via mechanized fax to the CLEC to confirm receipt of the file." CLECs must know not simply that the file has been received by BellSouth, but that the 911 information has been actually inputted into the system. BellSouth did not respond to Cox's question as to how BellSouth customer

911 information entry is confirmed. Therefore, there is absolutely no evidence of parity between how BellSouth versus CLEC customer 911 information is sent and/or updated.

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In addition to the questions regarding 911 emergency reporting systems, Cox asked several questions regarding number portability. Number portability is an issue that primarily affects facilities-based providers such as Cox intends to be in Louisiana. Customers must be able to "take their number with them" when they change providers from BellSouth to Cox. In response to Cox's inquiry regarding BellSouth's time frame commitment to provide interim number portability using remote call forwarding, BellSouth stated, "The standard interval for provisioning is 2 to 5 days, both for CLECs and for all other BellSouth customers." However, BellSouth customers simply do not need number portability in as many cases (both actually and proportionally) as do CLECs. Further, BellSouth's statement that both CLECs and BellSouth end users are operating with the same time frame ignores the fact that CLECs use remote call forwarding in providing basic local service, not an ancillary service offering, such as remote call forwarding for an end user. With BellSouth's standard intervals, a customer cannot change its local exchange carrier from BellSouth to Cox and keep his or her phone number without having to wait two to five days. With a time commitment as broad as this, it will be impossible for a CLEC to schedule new customer turn-ups.

In response to a question on mechanized systems, Bill Stacey on behalf of BellSouth at the technical presentation admitted that mechanized systems are not yet available for many features and functions and that they may never be if it is not in BellSouth's business interest.

The exact purpose of Section 271 is to ensure that all systems necessary for the development of competition are in place before BellSouth is given interLATA authority. If the Commission does not subject BellSouth's SGAT and compliance with the fourteen point checklist to the highest scrutiny now, there is no guaranty that these problems will ever be fixed. Consequently, if this Commission approves BellSouth's OSS as sufficient to actually bring competition to Louisiana now, but the significant defects discussed and demonstrated (and not discussed and demonstrated) at the August 13th presentation remain, new entrants such as Cox will be fighting BellSouth's "business interests" in fixing these problems and bringing competition to Louisiana. Of course, economically, after BellSouth has interLATA authority, it will have absolutely no "business interest" to help its competitors by fixing these problems expeditiously.

BellSouth's response to the need of CLECs for economically motivated cooperation to fix OSS problems, has been that CLECs can always complain and seek redress under federal law. In essence, BellSouth asks this Commission to ignore its OSS problems and put the burden of dealing with them on CLECs. However, BellSouth has the burden of establishing that it has earned interLATA authority under the Telecommunications Act of 1996. It is unreasonable to suggest that CLECs be required to sue to fix OSS problems necessary for the

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healthy development of competition in Louisiana's telecommunications market. Because BellSouth's OSS is currently not sufficient to ensure the healthy development of local exchange competition, BellSouth's run for long distance authority should stop here, in Louisiana.

Thanking you for your time and consideration, I remain

Very truly yours,



Daniel J. Shapiro

cc: Administrative Law Judge Valerie Meiners
Susan Cowart
Jill Butler
Martin Landrieu
Service List

APPENDIX 6



BellSouth Telecommunications, Inc. 504 528-2003
Room 1870
365 Canal Street
New Orleans, Louisiana 70130-1102

T. Michael Twomey
Attorney

October 16, 1997

VIA FEDERAL EXPRESS

Ms. Susan Cowart
Administrative Hearings Division
Louisiana Public Service Commission
One American Place, Suite 1630
Baton Rouge, Louisiana 70825

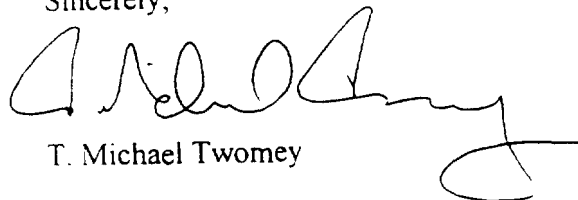
RE: Cox Louisiana TelCom II, L.L.C., ex parte
LPSC Docket No. U-22624
In re: Request authority to provide both Competitive
Local Exchange and Long Distance Telecommunication
Services and a request for exemption/waiver from the
unbundling requirements as set forth in the La. Regulations
for Competition in the Local Telecommunication Market

Dear Ms. Cowart:

Enclosed is the original and one copy of BellSouth Telecommunications, Inc.'s Memorandum in Opposition to Motion for Summary Judgment to be filed into the record of the referenced docket. Included also is an additional copy which we request that you date stamp and return in the envelope provided.

With kind regards. I am

Sincerely,



T. Michael Twomey

TMT/as
Enclosure

cc: Lawrence C. St. Blanc (w/encl.) (via Federal Express)
Daniel Shapiro (w/encl.) (via Federal Express)

BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION

COX LOUISIANA TELCOM II, L.L.C.,
EX PARTE

In Re: Application of Cox Louisiana Telcom II,	*	
L.L.C. For A Certificate Of Public Convenience	*	
And Necessity To Provide Local Exchange And	*	Docket No. U-22624
InterLATA Telecommunications Service And A	*	
Request For Exemption/Waiver From The	*	
Unbundling Requirements As Set Forth In The	*	
Louisiana Regulations for Competition In The	*	
Local Telecommunications Market	*	

MEMORANDUM IN OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT

BellSouth Telecommunications, Inc. ("BellSouth") submits this memorandum in opposition to the Motion for Summary Judgment filed by Cox Louisiana Telcom II, L.L.C. ("Cox") with respect to Cox's application for authority to operate as a competitive local exchange carrier ("CLEC") in Louisiana.

DISCUSSION

BST's objection to Cox's application is limited to one issue: Should the unbundling obligations of the Commission's Regulations for Competition in the Local Telecommunications Market ("the Regulations") apply to all TSPs? BellSouth has no objection to Cox being certified as

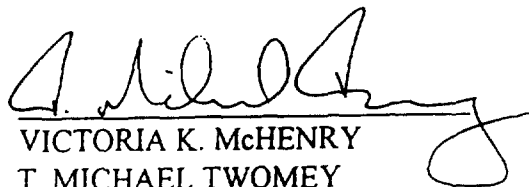
a CLEC. Moreover, BellSouth's objection to the request for exemption is based primarily on the manner in which the exemption has been sought, rather than on the merits of the request.

After Cox filed its application, BellSouth intervened and the matter was docketed for consideration by the Administrative Hearings Division. Unwilling to participate in the adjudicatory process, however, Cox seeks to bypass that process and have the Commission grant, in summary fashion, its request without any record evidence, and without any formal participation by either an Administrative Law Judge or the Commission Staff. Cox justifies its actions by innocently misstyling its request as an "exemption" from various provisions of the Regulations. The basis for the "exemption," however, is not specific to Cox. Any TSP seeking to do business in Louisiana could make the same arguments as Cox to justify exemption from the unbundling requirements. For example, Cox argues that "the [Telecommunications Act of 1996] contains absolutely no requirement on new entrants to unbundle their facilities." See Motion for Summary Judgment (Sept. 19, 1997), at p. 9. Cox is challenging this Commission's right to require any CLEC to unbundle its network.

Irrespective of the merits of Cox's request, BellSouth respectfully submits that, if the Commission grants Cox's request, it will have no basis for denying the same relief to every other CLEC operating in Louisiana. As such, the request should be evaluated as a proposed amendment to the Regulations. If the Commission is inclined to agree with the merits of Cox's request, the Commission Staff should prepare a proposed amendment to the rules to be published and to be circulated to the parties to Docket No. U-20883. In the interim, Cox's application to become a

CLEC could be approved and Cox could be granted a temporary exemption from the unbundling requirements while the Commission receives comments from all interested parties regarding any proposed amendment to the Regulations.

Respectfully submitted,

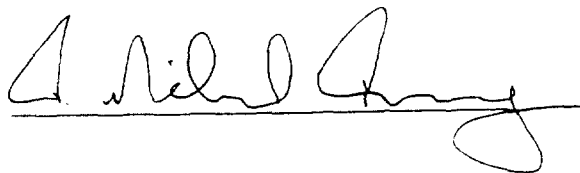


VICTORIA K. McHENRY
T. MICHAEL TWOMEY
365 Canal Street, Room 1870
New Orleans, LA 70130-1102
(504) 528-2050

Attorneys for BellSouth
Telecommunications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent to all counsel of record by overnight delivery, this the 16th day of October, 1997.



CERTIFICATE OF SERVICE

I, Cynthia S. Shaw, a legal secretary for Dow, Lohnes & Albertson hereby certify that on this 3rd day of August 1998, I served by first-class United States Mail, postage prepaid, a true copy of the foregoing Comments of Cox Communications, Inc., upon the following:

*The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

*The Honorable Susan Ness
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

*The Honorable Michael Powell
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

*The Honorable Harold Furchtgott-Roth
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

*The Honorable Gloria Tristani
Commissioner
Federal Communications Commission
1919 M Street, N.W., Room 826
Washington, D.C. 20554

*Magalie Salas, Esq
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

*Ms. Janice Myles
Policy and Program Planning Division
Common Carrier Bureau
Federal Communications
Commission
Room 544
1919 M Street, N.W.
Washington, D.C. 20554

*ITS
1231 20th Street, N.W.
Washington, D.C. 20036

United States Department of Justice
c/o Donald J. Russell
Antitrust Division
Telecommunications Task Force
1401 H Street, N.W., Suite 8000
Washington, DC 20530

Charles R. Morgan
William B. Barfield
Jim O. Llewellyn
1155 Peachtree Street, N.E.
Atlanta, GA 30367
Counsel for BellSouth Corporation

David G. Frolio
1133 21st Street, N.W.
Washington, D.C. 20036
Counsel for BellSouth Corporation

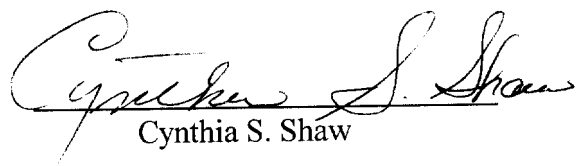
Erwin G. Krasnow
Verner, Liipfert, Bernhard,
McPherson & Hand
901 15th Street, N.W.
Washington, D.C. 20005
Counsel for BellSouth Corporation

James G. Harralson
28 Perimeter Center East
Atlanta, GA 30346
Counsel for BellSouth Long
Distance, Inc.

Michael K. Kellogg
Austin C. Schlick
William B. Petersen
Kellogg, Huber, Hansen,
Todd & Evans, P.L.L.C.
1301 K Street, N.W.
Suite 1000 West
Washington, D.C. 20005
Counsel for BellSouth Corporation
BellSouth Telecommunications, Inc. and
BellSouth Long Distance, Inc.

Margaret H. Greene
R. Douglas Lackey
Stephen M. Klimacek
675 W. Peachtree Street, N.E.
Suite 4300
Atlanta, GA 30375
Counsel for BellSouth Telecommunications,
Inc.

Lawrence C. St. Blanc
Secretary
Louisiana Public Service Commission
P.O. Box 91154
Baton Rouge, LA 70821-9154


Cynthia S. Shaw

*Hand Delivery